



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,156	04/02/2004	Vincent Carmelo Bruzzese	IGTIP145/P-267 DIV CIP	1189

22434 7590 12/20/2006
BEYER WEAVER & THOMAS, LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER

FREEMAN, WILLIAM

ART UNIT PAPER NUMBER

3709

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/817,156

Applicant(s)

BRUZZESE ET AL.

Examiner

William T. Freeman

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/2/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/7/05, 9/19/05, 9/28/05, 1/23/06, 5/15/06, 9/18/06.

DETAILED ACTION

Claim Objections

1. Claims 4, 15, and 24 are objected to because of the following informalities:

Claim 4, Line 2: "representation said list... said gaming machine all" should be changed to -- representation of said list... said gaming machines all --

Claim 15, Line 1: "wherein transponder" should be changed to -- wherein the transponder --.

Claim 24, Line 9: "selection a new game" should be changed to -- selection of a new game --.

Claim 24, Line 13: "from hand-held computing" should be changed to -- from the hand-held computing --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 20, the limitation “plurality of gaming machines arranged in proximity to each other” renders the claim vague and indefinite. It is unclear exactly how close in proximity the gaming machines are to each other.

In claims 1 and 20, the limitation “receive modulated electromagnetic radiation over a limited range which approximates to only the linear distance occupied by said gaming machines” renders the claim vague and indefinite. It is unclear to the exact range defined by the word approximates in the limitation.

In claim 1 (line 9), the limitation “control signals for a specific one or ones of said plurality of adjacent gaming machines can be input to” renders the claim vague and indefinite. It is unclear exactly how many gaming machines are being input to. Note that, applicant should replace the recited phrase “for a specific one or ones of said plurality of adjacent gaming machines” to “for at least one of said plurality of adjacent gaming machines”.

In claim 7 (line 3), the limitation “to one or more of the gaming machines” renders the claim vague and indefinite. It is unclear how many gaming machines are downloading the game program. Note that, applicant should replace the recited phrase “to one or more of the gaming machines” to “to at least one of the gaming machines”.

In claims 10-12, the limitation "one or more selected gaming machines" renders the claims vague and indefinite. It is unclear how many gaming machines are used. Note that, applicant should replace the recited phrase "one or more selected gaming machines" to "at least one of selected gaming machines".

Claims 11 and 12 recite the limitation "the performance data" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the wireless interface" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "the outcome of the game of chance" in line 3. There is insufficient antecedent basis for this limitation in the claim. Note that, the applicant should replace the recited phrase "the outcome of the game of chance" to "an outcome of the game of chance".

In claims 21-23, the limitation "the method of claim 19" renders the claim vague and indefinite. It is unclear because claim 19 refers to an apparatus claim while this limitation refers to a method.

Claims 2-6, 8-9, 13, and 15-18 are rejected because they depend from claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4, 7-13, 15, and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US 6,488,585) in view of Baldwin (US 6,732,195).

Re Claim 1, 2, 4, 20, and 24: Wells discloses a communications and data transfer system and method for gaming establishments having a plurality of gaming machines (112a and 112b, Fig. 1A), said system and method comprising a hand held portable transponder

Art Unit: 3709

(128, Fig. 1A), and each of said gaming machines includes a communication module (124, Fig. 1A) with a port (126, Fig. 1A) connected to a master gaming controller (122, Fig. 1A) of each said gaming machine whereby identification and control signals for a specific one or ones of said plurality of adjacent gaming machines can be input to, and sent from, said transponder to the master gaming controller of the selected gaming machines (Col. 4, Lines 24-36) and in reply thereto, status/performance data of said selected gaming machines can be sent to, or overwritten by, said transponder (Col. 4, Lines 24-36) and wherein the master gaming controller controls the games played on said gaming machine (Col. 4, Lines 10-15).

However, Wells fails to disclose that the transponder comprises a display device and input mechanism and that the transponder displays a list or a graphical representation/map of said list of a plurality of devices located near it.

Baldwin discloses a method and system for updating peripheral devices. The system includes a personal digital assistant (PDA) (10, Fig. 1 and 3; Col. 2, Lines 8-11) with an IR transceiver (12, Fig. 1), input buttons (16, Fig. 1), and a display (14, Fig. 1 and 3) that displays a list or a graphical representation/map of said list (Col. 3, Lines 5-10; Col. 5, Lines 26-31) of a plurality of devices located near it.

Therefore, in view of Baldwin, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells gaming and communication

Art Unit: 3709

system to use Baldwin's method and system for retrieving and updating device data by way of a personal digital assistant that comprises input buttons and displays a list or graphical representation/map of gaming devices in order to reduce the effort and time required in manipulation of gaming machine software and gaming machine maintenance and in turn decrease the down time of gaming machines leading to increased profit.

Re Claim 3: Wells discloses that the transponder can download information to, and upload information from, a plurality of said gaming machines (Col. 4, Lines 24-36).

Re Claim 7, 22, and 26: Wells discloses that the gaming machines can receive downloads of software modification/games (abstract) (Col. 4, Lines 24-32).

Re Claim 8: Wells discloses that data pertaining to use and performance, compliance, and accounting are transferred (Col. 4, Lines 24-36).

However, Wells does not clearly state the exact details of the data, it would have been obvious to one of ordinary skill in the art at the time the invention was made that cash tin status, hopper status, printer paper status, button malfunction status, lamp status, note reject data, coin reject data or cash turnover ratio can be part of the performance, accounting, or compliance data.

Art Unit: 3709

Re Claim 9 and 23: Wells discloses that hardware configuration data can be communicated in the system and verifying identity or characteristics of hardware is used (Abstract).

However, Wells does not clearly state the exact details of the data, it would have been obvious to one of ordinary skill in the art at the time the invention was made that hardware configuration data would consist of the game machine identification in order to verify that the hardware modification is possible for that gaming machine.

Re Claim 10-12: Wells discloses that data pertaining to use and performance, compliance, and accounting are transferred (Col. 4, Lines 24-36).

However, Wells does not clearly state the exact details of the data, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the data could be for the performance of a particular player and an outcome of a game in order so that the machines may track particular player accounts and follow game outcomes to assure that the game machine is working properly and to make sure of accounting details for the player.

Re Claim 7-12, 18, 21-23, and 26: Wells fails to disclose the particulars of the status and performance data.

Baldwin discloses that the PDA (10) uses bidirectional communication with a plurality of peripheral devices that are in range (Col. 4, Lines 63-66) and when selecting a peripheral device (Col. 4, Lines 66-67), communication of status/maintenance data and software between it and the peripheral devices occur (Col. 5, Lines 11-19).

Therefore, in view of Baldwin, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells gaming and communication system to use Baldwin's method and system for retrieving and updating device data by way of a personal digital assistant and that any combination of status and software/game information communicated between the PDA and gaming machines is possible in order to reduce the effort and time required in manipulation of gaming machine software and gaming machine maintenance and in turn decrease the down time of gaming machines leading to increased profit.

Re Claim 13: Wells fails to disclose that the communication module is coupled to a wireless interface, but it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication board to be coupled to the portable device (28) by means of wireless communication and in the case of player tracking and therefore to include a wireless interface in order to increase the amount of ways the gaming machine can communicate to external devices and increase its attractiveness to the consumer.

Re Claim 15 and 17: Wells fails to disclose that the transponder can display a map that shows the location of the transponder and provides directions to the gaming machines.

However, Baldwin teaches a transponder (10) that includes a map display indicating device locations and status at a location and gives a “minimum walk”/directions for visiting the devices (Abstract).

Therefore, in view of Baldwin, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells gaming and communication system to use Baldwin’s method and system for retrieving and updating device data by way of a personal digital assistant displays a list or graphical representation/map of gaming devices in order to reduce the effort and time required in manipulation of gaming machine software and gaming machine maintenance and in turn decrease the down time of gaming machines leading to increased profit.

Re Claim 19: Wells discloses a gaming machine to generate a game of chance (122, Fig. 1A), receive cash (132a, Fig. 1A), to present an outcome (132c, Fig. 1A) and output cash (132b, Fig. 1A) (Col. 4, Lines 10-15).

Re Claim 25: Wells does not disclose if only one game is available for play on the gaming machine at any one time, but it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wells gaming machine with the

option of only one game and not multiple games in order to allow easier use of the gaming machine and to target only particular players that play the type of game offered.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US 6,488,585) in view of Baldwin (US 6,732,195) as applied to claim 1 and 4 above, and further in view of Itkis (US 4,856,787).

The teachings of Wells and Baldwin have been discussed above.

Re Claim 5 and 6: Wells and Baldwin fail to disclose gaming machines that have multiple game programs and that control signals select, after a predetermined time and after transmission of control signals, a predetermined one of said programs to determine which game is able to be played on said machines.

Itkis teaches a gaming machine with multiple games (as shown in Fig. 8) that are played and can be chosen from by selecting (as shown in Fig. 5) which game would like to be played on the game machine.

Therefore, in view of Itkis, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells, modified by Baldwin, gaming and communication system to use Itkis's concurrent game network with multiple games for machine in order to increase the attractiveness of the gaming machine by offering multiple games so that it will interest more players to play the gaming machine.

8. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US 6,488,585) in view of Baldwin (US 6,732,195) as applied to claim 1 and 15 above, and further in view of Jorasch et al. (US 6,379,248).

The teachings of Wells and Baldwin have been discussed above.

Re Claim 14: Wells and Baldwin fail to disclose a wireless interface that is located on a player tracking unit.

However, Jorasch discloses a gaming device with a player interface (338, Fig. 14) that can communicate wirelessly (Col. 3, Lines 58-60) (Col. 4, Lines 47-48).

Therefore, in view of Jorasch, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells, modified by Baldwin (as applied to claim 1 above), gaming and communication system to include a player tracking unit that can communicate wirelessly in order to offer the machine with player tracking capabilities so to attract players that only use machines that allow player tracking capabilities and therefore increase the time the machine is in use and earning profit for the casino.

Art Unit: 3709

Re Claim 16: Wells, modified by Baldwin (as applied to claim 15 above), teaches a transponder (10) that includes a map display indicating device locations and status at a location and gives a "minimum walk"/directions for visiting the devices (Abstract).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eck et al. discloses a portable gaming machine, Kweitko et al. disclose an automated gaming device and slot machine service communication system, Nelson discloses a method and apparatus for machine location, Ng discloses an apparatus and method of communicating between electronic games, Pease et al. discloses a peripheral device download method and apparatus, Sharma discloses a relative positioning and virtual objects for mobile devices, Steiner et al. discloses a personal digital location assistant with GPS smart antenna, and Wells et al. ('634) discloses a method for downloading data to gaming devices.

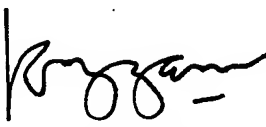
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Freeman whose telephone number is 571-270-1343. The examiner can normally be reached on Mon thr Thu 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3709

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WF


KIM NGUYEN
PRIMARY EXAMINER